

Department of Marine Resources

NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE OR SUBJECT: Chapter 50 Spiny Dogfish and Coastal Sharks

CONCISE SUMMARY: In accordance with the de minimus status granted Maine by the Atlantic States Marine Fisheries Commission, Atlantic Coastal Shark Board, additional regulations on porbeagle and coastal sharks are proposed. Maine dealers purchasing porbeagle and coastal sharks would be required to obtain a federal permit; porbeagle and coastal shark species would be defined; the fishery for porbeagle shark would be closed when the National Marine Fisheries Service annual quota has been harvested; porbeagle shark harvest would be prohibited in territorial waters; and the head, fins and tails would be required to remain attached to the carcass of all shark species through landing.

STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARING: January 14, 2010, 6PM*, DMR Large Conf. Rm, 194 McKown Pt Rd, W Boothbay Harbor

**The public hearing held in West Boothbay Hbr has multiple proposed rules. The hearings will be held in chronological order with the second hearing starting immediately upon the conclusion of the previous hearing, etc. See separate rulemaking notices for the rules not listed in this notice.*

DEADLINE FOR COMMENTS: January 25, 2010

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Terry Stockwell (207-624-6562)

Mail Written Comments to: Department of Marine Resources, attn: L. Churchill

ADDRESS: PO Box 8, West Boothbay Harbor, Maine 04575-0008

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FAX: (207) 633-9579

TTY: (207) 633-9500 (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

The proposed rules would potentially impact persons who do not hold a federal dealer permit to purchase porbeagle and coastal sharks; commercial and recreational fishermen.

Additional information is available at the ASMFC web site <http://www.asmfc.org/> by selecting managed species, coastal sharks.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 50 Spiny Dogfish and Coastal Sharks

50.01 Definitions

1. "Coastal Sharks" means for the purpose of these regulations any the following species of shark caught in Maine's territorial waters: sand tiger, bigeye, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill sharks.
2. "Finning" means the act of taking a spiny dogfish, porbeagle or other coastal shark, removing the fins, and returning the remainder of the spiny dogfish or other coastal shark to the sea.
3. "Spiny dogfish" means the genus and species Squalus acanthias.
4. "Porbeagle shark" means the genus and species Lamna nasus.

50.02 Harvest, Possession and Landing Restrictions

A. Spiny Dogfish

When the annual Atlantic States Marine Fisheries Commission quota for spiny dogfish is reached it shall be unlawful to fish for, take, have in possession or land spiny dogfish, ~~(Squalus acanthias)~~, taken from Maine territorial waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the

annual quota for spiny dogfish taken from Maine territorial waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.

(1) Exception

- (a) This rule shall not apply to vessels or individuals who harvest or possess dogfish for research or biomedical use, provided such vessels or individuals have a permit from the Commissioner of Marine Resources.
- (b) Any person may fish for, take, possess, or transport one dogfish per day provided that the dogfish is for personal use only.

B. (2) Spiny Dogfish Trip Limit

It is unlawful to harvest, land or possess more than 3,000 pounds of spiny dogfish from May 1 to October 31 (period one) and from November 1 to April 30 (period two) during those dates when Maine territorial waters are not closed to the taking of dogfish in accordance with Chapter 50.02(A).

B. Porbeagle shark

(1) The commercial harvest of porbeagle sharks is prohibited in Maine's territorial waters.

(2) When the annual Atlantic States Marine Fisheries Commission quota for porbeagle shark is reached in federal waters it shall be unlawful to fish for, take, have in possession or land porbeagle shark in Maine. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for porbeagle shark taken from federal waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.

C. Coastal Sharks

The take or landing of Coastal Sharks, as defined in Chapter 50.01(1), is prohibited in Maine's territorial waters.

50.03 Spiny Dogfish Endorsement for Harvesters and Dealers, Reporting Requirements and Quota

A. Harvester and Dealer Endorsement

- (1) Commercial fishing license-holders must obtain a dogfish harvesting endorsement in order to participate in this fishery.
- (2) Wholesale license-holders must obtain a dogfish buying endorsement before April 15th in order to participate in this fishery.

B. Reporting: See Chapter 8. Future endorsements will be dependent upon reporting compliance.

C. Quota: Fishing for spiny dogfish is subject to the annual quota specified by the ASMFC and NMFS Spiny Dogfish specifications. The annual quota is established annually by May 1st for the fishing year.

50.04 Shark, Dealers

A. Dealer permit requirement

Maine Wholesale license-holders who purchase Coastal sharks or porbeagle shark must obtain a federal dealer permit.

50.10 Finning Prohibited

Finning is prohibited in Maine territorial waters. Vessels that land spiny dogfish, porbeagle or coastal sharks must have the head, fins and tails attached naturally to the carcass through landing ~~Vessels that land spiny dogfish or other coastal shark must land fins in proportion to carcasses, with a maximum 5% fin to carcass ratio, by weight. Fins may be removed at sea, but the corresponding carcass, including the head and tail, must be retained. All fins and carcasses must be landed at the same time and in the same location.~~ The porbeagle, coastal shark or dogfish may be bled.